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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,320	09/25/2001	Travis J. Parry	10012123-1	1323

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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EXAMINER

AMSBURY, WAYNE P

ART UNIT PAPER NUMBER

2161

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/963,320

**Applicant(s)**

PARRY, TRAVIS J.

**Examiner**

Wayne Amsbury

**Art Unit**

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

CLAIMS 1-7 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments filed 4/21/05 have been fully considered but they are not persuasive.

Applicant fails to recognize the breadth of the claims. The specification is directed to distinguishing between a query from an internal search engine and one from an external search engine. However, the related claim limitation is broader:

*retrieving ... data ... based on an attribute of the source which is independent of the request*

As context, it is noted that a query itself necessarily specifies the data to be retrieved and thus a retrieval request *as a whole* cannot be independent of the result. However, in order to satisfy the limitation specified above, a query as a whole must carry or be associated with some detectable attribute of its source, and not simply contain a description of the desired result. This general context is common to both the instant application and Hanson. The request as a whole must contain a description of the desired result as well as an association to an attribute of the source.

The comment of the response: that (in Hanson), the user-defined script incorporates the data request ... Accordingly, the script is not independent of the request as set forth in the present claims, is moot. The script only needs to indicate an attribute of the source.

In Hanson, the rejection stated:

*The attribute of the source that is detected and which determines the data set to be returned is the user-defined script, determined as the source of the request.*

**This is maintained.**

In more detail, the transported script includes metadata determined at the user site [COL 4 lines 8-13], which determines the interpretation of the script at the data nodes [COL 4 lines 14-22]. In more particular, the methods to be applied are determined at the data nodes [COL 4 lines 23-33]. Part of the user-defined script specifies the methods to be applied [COL 4 lines 25-27]. Such methods, and the metadata that selects them, correspond to source attributes, and they are part of the script.

**3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson et al (Hanson), US 6,697,835, 24 February 2004.**

Hanson is directed to parallel accessing of data stored at a number of remote heterogeneous sites [COL 1 lines 14-18]. A local user site agent interprets a data request in the form of a script containing a data source object name and a user-defined program to be executed on the data [ABSTRACT].

As to **claim 1**, Hanson provides for the agent at local user site [FIG 1 19] to itself be remote [COL 4 lines 38-39]. In this context, a first request source in Hanson corresponds to a source accessing the local site from a network, and a second source corresponds to the user site of the agent.

The agents residing at each site correspond to first and second search engines, respectively. There are two sites in Hansen that act as a source detector, the user site agent [COL 4 lines 8-13] and a second agent interpreter [COL 4 lines 13-14] at a remote data site such as ORACLE, FIG 1].

The attribute of the source that is detected and which determines the data set to be returned is the user-defined script, determined at the source of the request. In more detail, the transported script includes metadata determined at the user site [COL 4 lines 8-13], which determines the interpretation of the script at the data nodes [COL 4 lines 14-22]. In more particular, the methods to be applied are determined at the data nodes [COL 4 lines 23-33]. Part of the user-defined script specifies the methods to be applied [COL 4 lines 25-27]. Such methods, and the metadata that selects them, correspond to source attributes, and they are part of the script.

As to **claims 2-6**, Hanson is explicit about the use of the Internet [COL 7 lines 6-9 and Web pages in particular [COL 34 lines 23-38], and the use of a DBMS such as ORACLE [FIG 1]. As noted above, the agents involved are source detectors.

The elements of **claim 7** are rejected in the analysis above and this claim is rejected on that basis.

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA



WAYNE AMSBURY  
PRIMARY PATENT EXAMINER